

1 FRANK R. UBHAUS, CA STATE BAR NO. 46085
2 BERLINER COHEN
3 TEN ALMADEN BOULEVARD
4 ELEVENTH FLOOR
5 SAN JOSE, CALIFORNIA 95113-2233
6 TELEPHONE: (408) 286-5800
7 FACSIMILE: (408) 998-5388
8 frank.ubhaus@berliner.com

FOOLED BY GE

9 ATTORNEYS FOR DEFENDANTS ISABELLA'S AT
10 WHARFSIDE, INC., TENE SHAKE, FISHERMAN'S WHARF
11 COMPANY, LP, CHRIS SHAKE, WHARFSIDE
12 RESTAURANT, INC., ANTHONY J. PALMA, NATALIE
13 PALMA, AND PALMA/WHARFSIDE LTD

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 12 TIMOTHY CLEVELAND,

19 CASE NO. C09-2376 RMW (PSG)

20 13 Plaintiff,

21 14 v.
22 15 ISABELLA'S AT WHARFSIDE, INC., dba
23 16 ISABELLA'S RESTAURANT; TENE
24 17 SHAKE; CITY OF MONTEREY;
25 18 FISHERMAN'S WHARF COMPANY, LP;
26 19 CHRIS SHAKE, INDIVIDUALLY AND dba
27 20 FISHERMAN'S WHARF COMPANY, LP;
28 21 WHARFSIDE RESTAURANT, INC.;
29 22 ANTHONY J. PALMA, INDIVIDUALLY AND dba
30 23 WHARFSIDE RESTAURANT; NATALIE
31 24 PALMA, INDIVIDUALLY AND dba WHARFSIDE
32 25 RESTAURANT; SALVATORE RAPPA,
33 26 INDIVIDUALLY AND dba WHARFSIDE
34 27 RESTAURANT; JOSEPHINE RAPPA
35 28 INDIVIDUALLY AND dba WHARFSIDE
36 29 RESTAURANT; PALMA/WHARFSIDE,
37 30 LTD. ; and DOES 1-10, inclusive,
38 31
39 32 Defendants.

40
41 STIPULATION AND ORDER
42 OF VOLUNTARY DISMISSAL WITH
43 PREJUDICE OF DEFENDANTS
44 ISABELLA'S AT WHARFSIDE, INC., DBA
45 ISABELLA'S RESTAURANT; TENE
46 SHAKE; CITY OF MONTEREY;
47 FISHERMAN'S WHARF COMPANY, LP;
48 CHRIS SHAKE, INDIVIDUALLY AND
49 DBA FISHERMAN'S WHARF COMPANY,
50 LP; WHARFSIDE RESTAURANT, INC.;
51 ANTHONY J. PALMA, INDIVIDUALLY
52 AND DBA WHARFSIDE RESTAURANT;
53 NATALIE PALMA, INDIVIDUALLY AND
54 DBA WHARFSIDE RESTAURANT;
55 SALVATORE RAPPA, INDIVIDUALLY
56 AND DBA WHARFSIDE RESTAURANT; J.
57 PALMA/WHARFSIDE, LTD. BY
58 PLAINTIFF TIMOTHY CLEVELAND

59
60 WHEREAS, on March 14, 2012, the Honorable Ronald M. Whyte ordered attorneys fees and
61 costs to be awarded to Plaintiff Timothy Cleveland as the prevailing party in the above-entitled
62 Case No. C09-2376 RMW, and whereas those fees and costs have been paid by Defendants and

1 received by Plaintiff's counsel before May 5, 2012, in full satisfaction of the March 14, 2012
2 Court Order and by agreement of the parties.

3 THEREFORE, IT IS HEREBY STIPULATED pursuant to Rule 41(a)(1)(A)(ii) of the
4 Federal Rules of Civil Procedure, by Plaintiff Timothy Cleveland, Defendants Isabella's at
5 Wharfside, Inc., dba Isabella's Restaurant, Tene Shake, Fisherman's Wharf Company, LP, Chris
6 Shake, individually and dba Fisherman's Wharf Company, LP; Wharfside Restaurant, Inc.;
7 Anthony J. Palma, individually and dba Wharfside Restaurant; Natalie Palma, individually and
8 dba Wharfside Restaurant; Palma/Wharfside, Ltd., ("The Isabella defendants"), and the City of
9 Monterey that, pursuant to the provisions of Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
10 Procedure, this action and all claims stated within this action should be dismissed with prejudice.

11 SO STIPULATED:

12

13

STUBBS & LEONE

14

DATED: JUNE 4, 2012

15

By: /S/ CLAUDIA LEED
CLAUDIA LEED
ATTORNEYS FOR DEFENDANT THE CITY OF
MONTEREY

16

BERLINER COHEN

17

18

DATED: JUNE 4, 2012

19

20

By: /S/ FRANK R. UBHAUS

FRANK R. UBHAUS
MARY KATHARINE WILSON
ATTORNEYS FOR THE ISABELLA
DEFENDANTS.

21

///

22

///

23

///

24

///

25

///

26

///

27

///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DATED: MAY 16, 2012

LAW OFFICE OF PAUL L. REIN

BY: /S/ PAUL L. REIN
PAUL L REIN
CELIA MCGUINNESS
CATHERINE M. CABALO
ATTORNEYS FOR PLAINTIFF
TIMOTHY CLEVELAND

IT IS SO ORDERED

Dated: 1 16 12



RONALD M. WHYTE, UNITED STATES DISTRICT
JUDGE FOR THE NORTHERN DISTRICT OF
CALIFORNIA